

1 Jason Crews  
2 1515 N Gilbert Rd Suite 107-204  
3 Gilbert, AZ 85233  
4 Telephone: (602) 295-1875  
5 e-Mail: jason.crews@gmail.com

6 *pro se*

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF ARIZONA**

9 Jason Crews,

10 Plaintiff,

11 v.

12 K.F.Agency, Inc.; Bankers Life Advisory  
13 Services, Inc; CNO Financial Group, Inc;  
14 James Covington; Oscar Larranga;

15 Defendants.

Case No. 2:23-cv-02658-SMB

**RULE 26(f) CASE MANAGEMENT  
REPORT**

Judge: Hon. Susan M. Brnovich

16 In accordance with the Court's February 23, 2024, order, Plaintiff and defense  
17 counsel conferred by phone, on March 15, 2024, to discuss the matters set forth in Rule  
18 26(f)(2). Accordingly, Plaintiff and defense counsel submit this Joint Case Management  
19 Report.

20  
21 **1. RULE 26(f) MEETING**

22 The following persons attended the Rule 26(f) meeting and assisted in developing  
23 this report:

24 Plaintiff Jason Crews

25 Defense counsel David Gaona

26 **2. LIST OF PARTIES**

27 Plaintiff Jason Crews

28 Defendant K.F.Agency, Inc.

1 Defendant Bankers Life Advisory Services, Inc

2 Defendant CNO Financial Group, Inc

3 Defendant James Covington

4 Defendant Oscar Larranga

5 **3. STATEMENT OF THE NATURE OF THE CASE**

6 Plaintiff brings this consolidated action to recover statutory damages for alleged  
7 willful violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 and C.F.R §  
8 64.1200 (the “TCPA”).

9 Plaintiff’s claims relate to approximately seven (7) telemarketing calls allegedly  
10 received by Plaintiff, on either his cell phone, between November of 2022 and January of  
11 2023. Plaintiff alleges, Defendants employees or agents calling on behalf of or at the behest  
12 of defendants are responsible for these 7 calls.

13 Defendants deny liability to Plaintiff and deny placing any improper calls,  
14 telemarketing or otherwise, to Plaintiff and further state that any calls placed to Plaintiff’s  
15 number were authorized by an online ‘opt-in’ consent form filled out by Plaintiff, or  
16 someone representing himself to be Plaintiff, to a website offering Medicare supplement  
17 insurance. The Plaintiff, or person who visited the site, provided name, age, and a specific  
18 telephone number. Later, on a phone call, a person identified as Plaintiff consented to the  
19 call’s being transferred to a local AZ insurance agent to discuss available benefits.

20  
21 **4. JURISDICTION**

22 The Court has subject matter jurisdiction over this action because the claim arises  
23 under the TCPA. *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368, 132 S.Ct. 740  
24 (2012).

25 **5. PARTIES WHO HAVE NOT BEEN SERVED**

26 All Defendants were either served or have appeared and consented to the Court’s  
27 jurisdiction.

28 **6. ADDITIONAL PARTIES**

1 The parties do not anticipate adding additional parties at this time.

2 **7. CONTEMPLATED MOTIONS**

3 The parties are not presently contemplating a need for either dispositive motions or  
4 evidentiary motions, but reserve the right to pursue appropriate relief following further  
5 investigation and discovery.

6 **8. UNITED STATES MAGISTRATE JUDGE**

7 The parties have no objection to the assignment of the case to a magistrate judge.

8 **9. STATUS OF RELATED CASES**

9 Plaintiff is currently pursuing TCPA claims against other parties in the District of  
10 Arizona, but those cases involve different defendants.

11 **10. ISSUES RELATING TO PRESERVATION, DISCLOSURE, OR**  
12 **DISCOVERY OF ESI**

13 Plaintiff intends to seek ESI in the form of records and documents which should be  
14 readily available to Defendant. Plaintiff will endeavor to limit request in scope to limit  
15 the costs associated with discovery of ESI.

16 **11. ISSUES RELATING TO PRIVILEGE OR WORK PRODUCT**

17 The parties have not made any agreement regarding the post-production assertion of  
18 attorney-client privilege or work product protection.

19 **12. POTENTIAL RULE 502(d) ORDERS**

20 The parties have no objection to a Rule 502(d) order permitting the post-production  
21 assertion of attorney-client privilege or protection under the work product doctrine.

22 **13. NECESSARY DISCOVERY**

23 **Proposed Discovery By Plaintiff**

24 Plaintiff believes the following discovery is warranted in this action which he  
25 believes is reasonable and proportional to the nature and number of violations alleged:

26 1. Discovery pertaining to nature, processes, and procedures used to place phone  
27 calls to Plaintiff. This includes, but is not limited to, any automated dialing systems which  
28 may have been used, any other systems which were used independently or in conjunction  
with one another which could fall under the definition 47 U.S.C. § 227(a)(1), and which

1 would be prohibited under 47 U.S.C. § 227(b)(1)(A);

2 2. Discovery pertaining to any alleged established business relationship as  
3 defined in 47 U.S.C. § 227(a);

4 3. Discovery pertaining to the usage of artificial or prerecorded voice to deliver  
5 a message without prior express consent from Plaintiff which would be prohibited under 47  
6 U.S.C. § 227(b)(1)(B);

7 4. Discovery pertaining to the existence of written policy, available upon  
8 demand, for maintaining a do-not-call list which is required under C.F.R § 64.1200(c)(1);

9 5. Discovery pertaining to the training of personnel, and any entity assisting in  
10 compliance, in procedures established pursuant to the national-do-not-call rules as required  
11 under C.F.R § 64.1200(c)(2);

12 6. Discovery pertaining to defendants recording and disclosure of do-not-call  
13 requests and as required under C.F.R § 64.1200(c)(3);

14 7. Discovery pertaining to any training and/or policies regarding the  
15 identification of callers and telemarketers as required under C.F.R § 64.1200(c)(4);

16 8. Discovery pertaining to the existence and maintenance of do-not-call lists as  
17 required under C.F.R § 64.1200(c)(5);

18 9. Discovery pertaining to the willfulness of Defendants alleged calls;

19 10. Discovery pertaining the nature and extent involvement of each defendant in  
20 the any alleged calls;

21 11. Discovery pertaining to the exact number, time, and date of any calls placed  
22 to Plaintiff;

23 12. Plaintiff intends to request written discovery, depositions, admission, and  
24 interrogatories as permitted under Rules 26(b)(1), 32(a)(1), 33(a)(1), 34 and 36.

25 13. Plaintiff intends to depose Defendants James Covington and Oscar Larranga.

26 **Proposed Discovery By Plaintiff**

27 ...1. Defendants intend to depose, at a minimum, Plaintiff. At present, additional names  
28 of deponents have not been confirmed.

2. Defendants intend to seek discovery of all of Plaintiff's electronic devices.

3. Defendants intend to submit written discovery from Plaintiff (interrogatories, document production and request for admissions).

4. The case is at its infancy, and Defendant submits these general thoughts about expected discovery, however, the scope may expand as more information becomes known.

## **B. PROPOSED CHANGES IN THE LIMITATION ON DISCOVERY**

### **Plaintiff's Position**

Plaintiff does not propose limits on discovery, and request standard limits as prescribed in the Federal Rules of Civil Procedure.

### **Defendants' Position**

**Defendants concur with using standard discovery limits prescribed in the Federal Rules of Civil Procedure**

## **NUMBER OF HOURS PROPOSED FOR DEPOSITION**

### **Plaintiff's Position**

Plaintiff proposes not more than 10 hours of depositions.

### **Defendants Position**

**Defendants currently anticipate deposing Plaintiff for a single session of up to 7 hours; Defendants propose an additional ten (10) hours of deposition time for additional witness depositions, if any.**

## **14. PROPOSED DEADLINES**

The parties propose that the Court adopt the following deadlines:

Completion of fact discovery: October 6, 2024

Disclosure of expert opinions: NA

Disclosure of rebuttal expert opinions: NA

Completion of expert depositions: NA

Filing of dispositive motions: December 31, 2024

The parties have previously engaged in good faith settlement discussions and expect to have further dialogue.

